

MESSAGE NO: 0113304

MESSAGE DATE: 04/23/2010

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE:

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-891

EFFECTIVE DATE: 05/24/2004

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON HAND TRUCKS AND CERTAIN PARTS
THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM PELRAY INTERNATIONAL, LLC (PELRAY). COMMERCE ISSUED A FINAL SCOPE RULING ON 04/12/2010, THAT PELRAY'S JANITOR CARTS (MODEL D-011); LARGE DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-012A AND D-012 RESPECTIVELY); AND SMALL DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-013A AND D-013 RESPECTIVELY) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-891).

2. COMMERCE DETERMINED THAT PELRAY'S PRODUCTS LACK THE NECESSARY HORIZONTAL PROJECTING EDGE OR EDGES, OR TOE PLATE TO SLIDE UNDER A LOAD FOR PURPOSES OF LIFTING AND/OR MOVING THE LOAD. THEREFORE, PELRAY'S JANITOR CARTS (MODEL D-011); LARGE DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-012A AND D-012 RESPECTIVELY); AND SMALL DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-013A AND D-013 RESPECTIVELY) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE 05/24/2004, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF PELRAY'S JANITOR CARTS (MODEL D-011); LARGE DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-012A AND D-012 RESPECTIVELY); AND SMALL DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-013A AND D-013 RESPECTIVELY) LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO PELRAY'S JANITOR CARTS (MODEL D-011); LARGE DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-012A AND D-012 RESPECTIVELY); AND SMALL DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-013A AND D-013 RESPECTIVELY) LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF PELRAY'S JANITOR CARTS (MODEL D-011); LARGE DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-012A AND D-012 RESPECTIVELY); AND SMALL DINNER TROLLEY WITH OR WITHOUT BUCKET (MODELS D-013A AND D-013 RESPECTIVELY) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 05/24/2004.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. FOR ALL OTHER SHIPMENTS OF HAND TRUCKS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 07:SH).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

FLORENCE CONSTANT

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party